

2 pages

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Sierra Nevada Conservancy
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Re: Comments on Program Guidelines

Aquisitions

Comments on Easements:

Conservation easements: The sale of a conservation easement is, in fact, one of the "sticks" in a landowners "bundle" of property rights which he has every right to exercise. That being established, the purchase of a conservation easement is a purchase of property rights.

The conservation easement creates dominate and serviant estates in property, the holder of the easement being the dominant. If the easement is in perpetuity and recorded, it runs with the land creating a perpetual servitude, taking away future rights of successive owners of the property.

Through a conservation easement the landowner loses major control of his land. Consistency with the purposes of the easement concerning the uses of the land is decided by the holder, as well as the interpretation of the terms of the agreement. Over time additional restrictions may be added as the meaning of a conservation easement expands. For instance, state Wildlife Conservation Plans developed under the Wildlife Action Plan will be imposed on all conservation easements. Third party lawsuits can be brought to enforce the conditions of an easement independent of either the landowner or the holder. In the event of the landowners inability to conform to the conditions the easement merges with the land and the land passes to the state.

Conservation easements invariably effect nieghboring landowners, most often negitively, restricting thier property rights as well. Buffer zones, animal access to water sources and over spray of chemicals used in agricultural operations are examples of a few of these effects.

Perpetual servitudes need to be avoided, with conservation easements limited to a certain number of years or a "rolling" system similar to the Williamson Act program. Disclosure of the existence of an easement on the land to future buyers of the property is vital.

In order to eleminate negitive effects on nieghboring landowners, buffer zones need to be established inside the boundarys of the conservation easement. Any and all mitigations, restrictions and enviromental and wildlife issues of any kind arising out of the presence of the easement must be borne by the land on which it

lies.

Purchase of development rights or limited term conservation easements would be a much more cost effective method of achieving the purposes of the SNC of protecting working landscapes, assisting regional economies and preserving open space.

Easements:

Easements on private property for public access to public lands need to be narrowly restricted to the sole purpose of the easement and take no more land than is essential. All management tools (fences, bridges, trails, etc.) to be the responsibility of SNC. Revocation of the easement needs to be at the landowners option and the easement to be terminated when the need no longer exists.

Thank you for this opportunity to comment on the Sierra Nevada Conservancy Program Guidelines.

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